

## **REMARKS**

### **Claim status**

Claims 1-3, 6-11, and 17-18, 21-22, and 25-26 were pending in the case at the time of the current Office Action. Claims 5, 14-16, 19-20, and 23-24 were previously cancelled. Claims 8-10 and 26 are cancelled herein. Claims 1-2, 7, 21-22, and 25 are currently amended herein. Claims 1-3, 6-7, 11, 17-18, 21-22, and 25 are currently pending in the application.

### **Priority Documents**

In the final Office action, the Examiner has indicated that none of the certified copies of the priority documents have been received.

Applicants respectfully disagree and submit that the priority document was filed on July 2, 2004. The transmittal for the priority document is in the Image File Wrapper and the artifact sheet indicates that the FRPR (foreign priority document) is there also.

Applicants respectfully request that the Examiner double check the Image File Wrapper for this evidence of submission of the priority document.

### **Section 102 rejections**

In the final Office action, claims 1, 3, 7-8, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Alt et al. (U.S. Patent 6,370,427), hereinafter Alt.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Independent claim 1 recites a cardiac pacemaker arrangement comprising:

- at least one floating atrial electrode line having an atrial wall electrode;
- a ventricular electrode line (VDD-electrode line) having at least one floating electrode; and

- at least one circuit adapted to:

- evaluate atrial signals perceived by said electrodes, and
  - switch over from a first mode, for effecting atrial myocardium stimulation by said atrial wall electrode, to a second mode, for effecting atrial myocardium

stimulation by said at least one floating electrode, upon perceiving atrial signals that are evaluated as being high-frequency irregularities such as auricular fibrillation or atrial tachycardias as on the basis of inadmissibly high signal frequencies.

It is respectfully submitted that Alt does not teach or suggest the claimed invention of independent claim 1. In particular, Alt does not teach or suggest the configuration of Fig. 4 of the present application. The floating electrode of claim 1 is part of a conventional VDD-electrode line, whereas the atrial wall electrode is part of a second, purely atrial electrode line. The electrode configuration of claim 1 is disclosed in Fig. 4 of the present application and in the description referring to Fig. 4 in paragraph [0045] of the present application as recited below:

[0045] "The principle of the cardiac pacemaker with an SPT-switch mode is that, contrary to previous pacemaker systems, the proposed system represents a combination of a VDD pacemaker system and an additional conventional wall-located atrial electrode (Figure 4). In that respect atrial signal perception is always effected by way of the floating ring electrodes of the VDD-electrode and possibly simultaneously by way of the wall-located electrode. Depending on the respective placement of the wall-located electrode information about the location of origin of the atrial signal (sinus rhythm, right-atrial or left-atrial ectopia, etc.) can be furnished from the time difference between signal perception by way of the floating electrodes and signal perception by way of the wall-located electrodes."

Fig. 4 of the present application shows four electrodes placed in the atrium of the heart and two electrodes placed in the ventricle of the heart. The two left-hand atrial electrodes that are vertically in line with each other in Fig. 4 belong to the VDD-electrode line, whereas the two electrodes on the right hand side of the atrium belong to a conventional atrial electrode line that has a J-shape. Such an electrode configuration is neither disclosed nor suggested by Alt.

Therefore, in view of at least the foregoing, it is respectfully submitted that independent claim 1 is not anticipated by Alt, and it is respectfully submitted that independent claim 1 defines allowable subject matter. Also, since claims 2-3, 6-7, 11, 17-18, 21-22 and 25 depend either directly or indirectly from claim 1, it is respectfully submitted that claims 2-3, 6-7, 11, 17-18, 21-

22 and 25 define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 1, 3, 7-8, and 22 under 35 U.S.C. 102(e) be removed.

### **Section 103 rejections**

In the final Office action, claim 9 is rejected under 35 U.S.C. 102 (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alt.

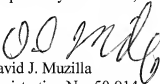
In the final Office action, claims 2, 6, 10-11, 17-18, 21, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alt.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

As discussed above for independent claim 1, Alt does not teach, suggest, or render obvious the claimed invention of claim 1. Claims 9-10 and 26 are cancelled herein. Since claims 2, 6, 11, 17-18, 21, and 25 depend either directly or indirectly from independent claim 1, it is respectfully submitted that claims 2, 6, 11, 17-18, 21, and 25 define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 2, 6, 9-11, 17-18, 21, and 25-26 under 35 U.S.C. 102(e) and/or under 103(a) be removed.

Accordingly, the applicant respectfully requests reconsideration of the rejections and objections based on at least the foregoing. After such reconsideration, it is urged that allowance of all pending claims will be in order.

Respectfully submitted,

  
David J. Muzilla  
Registration No. 50,914

Hahn Loeser & Parks LLP  
One GOJO Plaza  
Suite 300  
Akron, OH 44311-1076  
(330) 864-5550  
Fax 330-864-7986  
djmuzilla@hahnlaw.com

**CUSTOMER No. 021324**